

abrogation of the charter; and another, directing the treasurer of the western shore, upon being notified by the Attorney General, that process is about to be instituted for that purpose, to withhold payment of the residue of the subscription of this state, until the end of the next session of the general assembly.

Upon a careful review of the depositions taken by your committee and herewith submitted, to wit: of Thomas F. Purcell, and Alfred Cruger, Engineers, of the Chesapeake and Ohio canal; and of Jonathan Knight, Engineer, and Casper W. Weaver, superintendant of the Baltimore and Ohio Rail Road, together with their own examination of the localities; the committee has attained the full conviction that fifteen feet of the breadth of the canal on the land side may be given up to the Rail Road company in the difficult passes (which are four in number, and amount in all to no more than two miles and one tenth of a mile in length,) and yet leave for the canal without removing (except in one or two places, if any, and for very short distances,) the exterior wall and tow path, a breadth throughout of thirty-five feet, its full depth and a cross section fifty per cent greater than that of the great Erie canal. Such dimensions are manifestly more than sufficient to permit the passage of two boats whose breadth can never exceed that of the lock chamber, that is to say fifteen feet. The fifteen feet so given up, together with five feet of additional excavation on the rocky hill sides, will afford a passage sufficient for the Rail Road. The mode by which these results could be obtained is clearly pointed out in the answer of Jonathan Knight, to the fourth interrogatory propounded to him by the committee. It is thought to be essential to the beneficial existence of the Rail Road, that this concession should be extended to it, and it appears to your committee to be required alike by the honor and interest of the state, and the welfare of her people.

Your committee yet indulge the hope that upon mature deliberation, the Chesapeake and Ohio canal company, will perceive that its own best interests, require the concession to be made, and desirous that no injury shall befall that company which can be avoided, recommend the passage of a resolution providing, that if on or before the first day of April next, the Chesapeake and Ohio canal company shall by its solemn corporate act, certify to the governor its consent that the Rail Road shall be constructed from the point of rocks, to Harper's Ferry, on the land side of the said